

#17 1/2

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Atty. Docket

GERARDUS C.P. LOKHOFF

PHN 13,241A

Serial No. 07/997,158

Group Art Unit 2603

Filed: DECEMBER 21, 1992

Ex. D. TON

Batch No. P91

Date of Notice of Allowance:  
AUGUST 20, 1993

DIGITAL TRANSMISSION SYSTEM, TRANSMITTER AND RECEIVER FOR USE  
IN THE TRANSMISSION SYSTEM, AND RECORD CARRIER OBTAINED BY  
MEANS OF THE TRANSMITTER IN THE FORM OF A RECORDING DEVICE

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

LETTER

Sir:

Applicant brings to the Commissioner's attention that the instant application, whose issue fee has been paid, discloses subject matter which may be claimed in applications filed by another more than 6 months after the June 1, 1990 actual U.S. filing date of the parent application herein: U.S. ser. no. 638,896 filed Jan. 8, 1991, and ser. no. 804,976 filed Dec. 11, 1991 (or a continuation, CIP or division thereof).

More particularly, Applicant's co-pending application serial number 08/173,850 (a Rule 53 Continuation of the instant application 07/997,158, which in turn is a Rule 62 continuation of 07/532,462) contains a claim copied from published PCT application WO 92/12607. That published application claims priority of U.S. ser. no. 638,896 filed Jan. 8, 1991, and ser. no. 804,976 filed Dec. 11, 1991; applicant herein believes it is probable that claim 1 of the PCT case corresponds, at least generally, to one of the original claims of one of the U.S. priority applications.

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Applicant herein has no knowledge of the status of either of the U.S. cases filed on behalf of inventors Davis, Todd and Dolby cited above. Application ser. no. 718,356, which is a CIP of ser. no. 638,896, issued as U.S. patent 5,274,740 on Dec. 28, 1993. It covers an invention not claimed in the published PCT application.

If application ser. no. 638,896 or a subsequently filed application related thereto or claiming priority therefrom is pending, applicant requests that this letter be brought to the attention of the Examiner or Examiners responsible for such case or cases, for consideration of proposing one or more counts in interference with ser. no. 08/173,850; or, upon issuance of the patent from allowed application 07/997,158, citing such patent as material prior art. The invention claimed in 08/173,850 is believed anticipatory of or related to at least claims 1-9 and 14-17 of WO 92/12607.

Respectfully submitted,

By David R. Treacy  
David R. Treacy, Reg. 25,244  
Attorney  
(914) 333-9610  
February 17, 1994

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TO: EXAMINER

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ART UNIT

2603

SERIAL NO.

07/997,158

FROM:

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